

1 UNITED STATES DISTRICT COURT  
2 WESTERN DISTRICT OF NEW YORK

3  
4 WILLIAM J. WAGNER,  
5 Plaintiff,

6 vs Docket No. 15-CV-633-JTC

7  
8 CHIARI & ILECKI, LLP,  
9 Defendant.

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11 Examination Before Trial of KAREN SANDFORD, held  
12 pursuant to the Federal Rules of Civil Procedure, in  
13 the law offices of CONNORS LLP, 1000 Liberty Building,  
14 424 Main Street, Buffalo, New York, on Wednesday,  
15 October 5, 2016 at 2:07 p.m. before Molly Fenske,  
16 Notary Public.  
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1 APPEARANCES:

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3 LAW OFFICES OF KENNETH HILLER, PLLC  
4 BY: SETH J. ANDREWS, ESQ.  
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8 Appearing for the Plaintiff.

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10 CONNORS LLP  
11 BY: PAUL A. WOODARD, ESQ.  
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16 Appearing for the Defendant.

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None marked.

1           (Whereupon, the following stipulations  
2       were entered into by the respective parties:

3           It is hereby stipulated by and between  
4       counsel for the respective parties that the oath of  
5       the referee is waived, that filing and certification  
6       of the transcript are waived, and all objections,  
7       except as to the form of the question, are reserved  
8       until the time of trial.)

9           THE REPORTER: Mr. Andrews, you'll supply  
10      Mr. Woodard?

11           MR. ANDREWS: Yes.

12           THE REPORTER: Read and sign in sixty  
13      days?

14           MR. WOODARD: Right.

15           KAREN SANDFORD, 58 Edgebrook Estates,  
16      Apartment 4, Cheektowaga, New York 14227, having been  
17      duly called and sworn, was examined and testified as  
18      follows:

19           MR. ANDREWS: Karen, hi. My name is Seth  
20      Andrews. I'm the attorney for the plaintiff in this  
21      matter, William J. Wagner. He has filed a lawsuit in  
22      federal court naming Chiari & Ilecki as defendants  
23      alleging various violations of the Fair Debt  
24      Collection Practices Act. We're here today to take  
25      your deposition as a fact witness as it pertains to

1 with a judgment that's regular for your job duties?

2 A. Well, if there's a motion to be scheduled, I  
3 will do that.

4 Q. Do you ever aid the attorneys in drafting any  
5 documents?

6 A. No.

7 Q. Here's a document I'm showing you that's been  
8 previously marked as Plaintiff's Exhibit A. Have you  
9 ever seen that document before today?

10 A. Yes.

11 Q. When did you recall seeing it prior to today?

12 A. When we met with Paul.

13 Q. I don't want to know anything about what you  
14 did with him, that's okay, as far as substance, you  
15 know.

16 Other than meeting with your attorney, do you  
17 recall ever seeing this document?

18 A. No.

19 Q. If we turn to the second page of the document,  
20 165, and we look at the column -- it's on the front  
21 page, but event done date and then there's description  
22 and event comment. It's basically the three far  
23 right-most columns, and we look -- we see on February  
24 12, 2015 there's a telephone call?

25 A. Yes.

1 Q. And you see your name listed on the far left  
2 column?

3 A. Yes.

4 Q. And the comments section reads a William Wagner  
5 calls office, comma. He lives at the Roberts RD  
6 address, comma. Claims it's not him, comma. He is  
7 not a JR, period. Claims this has been REC stuff for  
8 last six, dash, seven YRS, four D, period. Gave me  
9 last couple numbers of SS, pound, open paren, sixteen,  
10 closed paren. Told him would note file and E-mail  
11 ATYY, period. E-mailed MO. Is that right, is that...

12 A. That's correct.

13 Q. So MO, is that Melissa Overbeck?

14 A. Yes.

15 Q. That sixteen, is that -- what does that  
16 signify, the last two of the social security number?

17 A. Yes.

18 Q. When you input that, those notes in, are you  
19 able to see those later on? Are you able to go back  
20 and look at those notes?

21 A. Yes.

22 Q. Can you alter those notes?

23 A. Yes.

24 Q. When you e-mailed Melissa, showing you a  
25 document that's previously been marked as Plaintiff's